

107TH CONGRESS
1ST SESSION

H. R. 2873

To extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV–E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2001

Mr. HERGER (for himself and Mr. CARDIN) introduced the following bill;
which was referred to the Committee on Ways and Means

A BILL

To extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV–E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION. 1. SHORT TITLE; REFERENCES IN ACT.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Promoting Safe and Stable Families Amendments of
4 2001”.

5 (b) REFERENCES IN ACT.—Except as otherwise spec-
6 ified, amendments made by this Act to a section or other
7 provision are amendments to such sections or other provi-
8 sions of the Social Security Act.

9 **TITLE I—PROMOTING SAFE AND**
10 **STABLE FAMILIES**

11 **PART A—GRANTS TO STATES FOR PROMOTING**
12 **SAFE AND STABLE FAMILIES**

13 **SEC. 101. FINDINGS AND PURPOSE.**

14 Section 430 is amended to read as follows:

15 **“SEC. 430. FINDINGS AND PURPOSE.**

16 “(a) FINDINGS.—The Congress finds that there is a
17 continuing urgent need to protect children and to
18 strengthen families as demonstrated by the following:

19 “(1) Family support programs directed at spe-
20 cific vulnerable populations have had positive effects
21 on parents, children, or both. The vulnerable popu-
22 lations for which programs have been shown to be
23 effective include teenage mothers with very young
24 children and families that have children with special
25 needs.

1 “(2) Family preservation programs have been
2 shown to provide extensive and intensive services to
3 families in crisis.

4 “(3) The time lines established by the Adoption
5 and Safe Families Act of 1997 have made the
6 prompt availability of services to address family
7 problems (and in particular the prompt availability
8 of appropriate services and treatment addressing
9 substance abuse) an important factor in successful
10 family reunification.

11 “(4) The rapid increases in the annual number
12 of adoptions since the enactment of the Adoption
13 and Safe Families Act of 1997 have created a grow-
14 ing need for postadoption services and for service
15 providers with the particular knowledge and skills
16 required to address the unique issues adoptive fami-
17 lies and children may face.

18 “(b) PURPOSE.—The purpose of this program is to
19 enable States to develop and establish, or expand, and to
20 operate coordinated programs of community-based family
21 support services, family preservation services, time-limited
22 family reunification services, and adoption promotion and
23 support services to accomplish the following objectives:

1 “(1) To prevent child maltreatment among fam-
2 ilies at risk through the provision of supportive fam-
3 ily services.

4 “(2) To assure children’s safety within the
5 home and preserve intact families in which children
6 have been maltreated, when the family’s problems
7 can be addressed effectively.

8 “(3) To address the problems of families whose
9 children have been placed in foster care so that re-
10 unification may occur in a safe and stable manner
11 in accordance with the Adoption and Safe Families
12 Act of 1997.

13 “(4) To support adoptive families by providing
14 support services as necessary so that they can make
15 a lifetime commitment to their children.”.

16 **SEC. 102. DEFINITION OF FAMILY SUPPORT SERVICES.**

17 Section 431(a)(2) is amended by inserting “to
18 strengthen parental relationships and promote healthy
19 marriages,” after “environment,”.

20 **SEC. 103. REALLOTMENTS.**

21 Section 433 is amended by adding at the end the fol-
22 lowing new subsection:

23 “(d) REALLOTMENTS.—The amount of any allotment
24 to a State under this section for any fiscal year that the
25 State certifies to the Secretary will not be required for

1 carrying out the State plan under section 432 shall be
 2 available for reallocation using the allocation methodology
 3 specified in this section.”.

4 **SEC. 104. PAYMENTS TO STATES.**

5 (a) IN GENERAL.—Section 434(a) is amended—

6 (1) by striking paragraph (2);

7 (2) by striking all that precedes subparagraph
 8 (A) and inserting the following:

9 “SEC. 434. (a) ENTITLEMENT.—Each State that has
 10 a plan approved under section 432 shall be entitled to pay-
 11 ment of the lesser of—”; and

12 (3) by redesignating subparagraphs (A) and
 13 (B) as paragraphs (1) and (2), respectively, and by
 14 adjusting the left margins accordingly.

15 (b) CONFORMING AMENDMENTS.—Section 434(b) is
 16 amended—

17 (1) in paragraph (1)—

18 (A) by striking “paragraph (1) or (2)(B)
 19 of”; and

20 (B) by striking “described in this subpart”
 21 and inserting “under the State plan under sec-
 22 tion 432”; and

23 (2) in paragraph (2), by striking “subsection
 24 (a)(1)” and inserting “subsection (a)”.

1 **SEC. 105. EVALUATIONS, RESEARCH, AND TECHNICAL AS-**
2 **SISTANCE.**

3 Section 435 is amended—

4 (1) by striking all that precedes paragraph (1)
5 of subsection (a), including the caption, and insert-
6 ing the following:

7 **“SEC. 435. EVALUATIONS; RESEARCH; TECHNICAL ASSIST-**
8 **ANCE.**

9 “(a) EVALUATIONS.—”; and

10 (2) by adding at the end the following new sub-
11 sections:

12 “(c) RESEARCH.—The Secretary shall give priority
13 consideration to the following topics for research and eval-
14 uation under this subsection, using rigorous evaluation
15 methodologies where feasible:

16 “(1) Promising program models in the service
17 categories specified in section 430(b), particularly
18 time-limited reunification services and postadoption
19 services.

20 “(2) Multi-disciplinary service models designed
21 to address parental substance abuse and to reduce
22 its impacts on children.

23 “(3) The efficacy of approaches directed at
24 families with specific problems and with children of
25 specific age ranges.

1 “(4) The outcomes of adoptions finalized after
2 enactment of the Adoption and Safe Families Act of
3 1997.

4 “(d) TECHNICAL ASSISTANCE.—The Secretary shall
5 provide technical assistance that helps States to—

6 “(1) identify families with specific risk charac-
7 teristics for intervention;

8 “(2) develop treatment models that address the
9 needs of families at risk, particularly families with
10 substance abuse issues;

11 “(3) implement programs with well-articulated
12 theories of how the intervention will result in desired
13 changes among families at risk;

14 “(4) establish mechanisms to ensure that serv-
15 ice provision matches the treatment model; and

16 “(5) establish mechanisms to ensure that
17 postadoption services meet the needs of the indi-
18 vidual families and develop models to reduce the dis-
19 ruption rates of adoption.”.

20 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
21 **TION OF CERTAIN AMOUNTS.**

22 (a) IN GENERAL.—Title IV is amended by adding
23 after section 435 the following new section:

1 **“SEC. 436. AUTHORIZATION OF APPROPRIATIONS; RES-**
2 **ERVATION OF CERTAIN AMOUNTS.**

3 “(a) AUTHORIZATION.—There are authorized to be
4 appropriated to carry out the provisions of this subpart
5 (other than section 438) \$505,000,000 for each of fiscal
6 years 2002 through 2006.

7 “(b) RESERVATION OF CERTAIN AMOUNTS.—From
8 the amount specified for each fiscal year under subsection
9 (a), the Secretary shall reserve amounts for use as follows:

10 “(1) EVALUATION, RESEARCH, TRAINING, AND
11 TECHNICAL ASSISTANCE.—The Secretary shall re-
12 serve \$15,000,000 for fiscal year 2002, and
13 \$20,000,000 for each of fiscal years 2003 through
14 2006, for expenditure by the Secretary—

15 “(A) for research, training, and technical
16 assistance costs related to the program under
17 this subpart (other than section 438), including
18 expenditures for research of not less than
19 \$9,000,000 for fiscal year 2002, and not less
20 than \$14,000,000 for each of fiscal years 2003
21 through 2006; and

22 “(B) for evaluation of State programs
23 based on the plans approved under section 432
24 and funded under this subpart, and any other
25 Federal, State, or local program, regardless of
26 whether federally assisted, that is designed to

1 achieve the same purposes as such State pro-
2 grams.

3 “(2) STATE COURT IMPROVEMENTS.—The Sec-
4 retary shall reserve \$20,000,000 for grants under
5 section 437.

6 “(3) INDIAN TRIBES.—The Secretary shall re-
7 serve 2 percent of the amount described in sub-
8 section (a) for allotment to Indian tribes in accord-
9 ance with section 433(a).”.

10 (b) CONFORMING AMENDMENTS.—Section 433 is
11 amended—

12 (1) in subsection (a), by striking “section
13 430(d)(3)” and inserting “section 436(b)(3)”;

14 (2) in subsection (b)—

15 (A) by striking “section 430(b)” and in-
16 serting “section 436(a)”; and

17 (B) by striking “section 430(d)” and in-
18 serting “section 436(b)”; and

19 (3) in subsection (c)—

20 (A) by striking “section 430(b)” and in-
21 serting “section 436(a); and

22 (B) by striking “section 430(d) and insert-
23 ing “section 436(b)”.

24 **SEC. 107. STATE COURT IMPROVEMENTS.**

25 (a) RELOCATION AND REDESIGNATION.—

1 (1) IN GENERAL.—Section 13712 of the Omni-
2 bus Budget Reconciliation Act of 1993 is relocated
3 and redesignated as section 437 of the Social Secu-
4 rity Act.

5 (2) CONFORMING AMENDMENTS.—Section 437,
6 as relocated and redesignated, is amended—

7 (A) in subsection (a)—

8 (i) in the matter preceding paragraph
9 (1), by striking “of title IV of the Social
10 Security Act”; and

11 (ii) in paragraph (1)(A), by striking
12 “of title IV of such Act”; and

13 (B) in subsection (c)(2), by striking “sec-
14 tion 430(d)(2) of the Social Security Act” and
15 inserting “section 436(b)(2)”.

16 (b) SCOPE OF ACTIVITIES.—

17 (1) Section 437(a)(2) is amended—

18 (A) by striking “changes” and inserting
19 “improvements”; and

20 (B) by inserting before the period “in
21 order to promote more timely court actions that
22 provide for the safety of children in foster care
23 and expedite their placement in appropriate
24 permanent settings”.

1 (2) Section 437(c)(1) is amended in the matter
 2 preceding subparagraph (A) by inserting “and im-
 3 provement” after “assessment”.

4 (c) ALLOTMENTS.—Section 437(c)(1) is amended by
 5 striking all that follows “shall be entitled to payment,”
 6 and inserting “for each of fiscal years 2002 through 2006,
 7 from amounts reserved pursuant to section 436(b)(2), of
 8 an amount equal to the sum of \$85,000 plus the amount
 9 described in paragraph (2) for such fiscal year.”

10 (d) FEDERAL SHARE.—Section 437(d) is amended—

11 (1) in the heading, by striking “USE OF GRANT
 12 FUNDS” and inserting “FEDERAL SHARE”; and

13 (2) by striking “to pay—” and all that follows
 14 and inserting “to pay not more than 75 percent of
 15 the cost of activities under this section in each of fis-
 16 cal years 2002 through 2006.”.

17 **PART B—MENTORING CHILDREN OF PRISONERS**

18 **SEC. 121. PROGRAM AUTHORIZED.**

19 Title IV is amended by adding after section 437 the
 20 following new section:

21 **“SEC. 438. GRANTS FOR PROGRAMS FOR MENTORING CHIL-**
 22 **DREN OF PRISONERS.**

23 “(a) FINDINGS AND PURPOSE.—

24 “(1) FINDINGS.—

1 “(A) In the period between 1991 and
2 1999, the number of children with a parent in-
3 carcerated in a Federal or State correctional fa-
4 cility increased by more than 100 percent, from
5 approximately 900,000 to approximately
6 2,000,000. In 1999, 2.1 percent of all children
7 in the United States had a parent in Federal or
8 State prison.

9 “(B) Prior to incarceration, 64 percent of
10 female prisoners and 44 percent of male pris-
11 oners in State facilities lived with their children.

12 “(C) Nearly 90 percent of the children of
13 incarcerated fathers live with their mothers,
14 and 79 percent of the children of incarcerated
15 mothers live with a grandparent or other rel-
16 ative. Only 10 percent of incarcerated mothers
17 and 2 percent of incarcerated fathers in State
18 prisons report that their child or children are in
19 foster care.

20 “(D) Parental arrest and confinement lead
21 to stress, trauma, stigmatization, and separa-
22 tion problems for children. These problems are
23 coupled with existing problems that include pov-
24 erty, violence, parental substance abuse, high-
25 crime environments, intrafamilial abuse, child

1 abuse and neglect, multiple care givers, and/or
2 prior separations. As a result, these children
3 often exhibit a broad variety of behavioral, emo-
4 tional, health, and educational problems that
5 are often compounded by the pain of separa-
6 tion.

7 “(E) Empirical research demonstrates that
8 mentoring is a potent force for improving chil-
9 dren’s behavior across all risk behaviors affect-
10 ing health. Quality, one-on-one relationships
11 that provide young people with caring role mod-
12 els for future success have profound, life-chang-
13 ing potential. Done right, mentoring markedly
14 advances youths’ life prospects. A widely cited
15 1995 study by Public/Private Ventures meas-
16 ured the impact of one Big Brothers Big Sis-
17 ters program and found significant effects in
18 the lives of youth—cutting first-time drug use
19 by almost half and first-time alcohol use by
20 about a third, reducing school absenteeism by
21 half, cutting assaultive behavior by a third, im-
22 proving parental and peer relationships, giving
23 youth greater confidence in their school work,
24 and improving academic performance.

1 “(2) PURPOSE.—The purpose of this section is
2 to authorize the Secretary to make competitive
3 grants to local governments in areas with substantial
4 numbers of children of incarcerated parents, to sup-
5 port the establishment or expansion and operation of
6 programs using a network of public and private com-
7 munity entities to provide mentoring services for
8 children of prisoners.

9 “(b) DEFINITIONS.—For purposes of this section:

10 “(1) CHILDREN OF PRISONERS.—The term
11 ‘children of prisoners’ means children one or both of
12 whose parents are incarcerated in a Federal or State
13 correctional facility. Such term shall be deemed to
14 include children who are in an ongoing mentoring
15 relationship in a program under this section at the
16 time of their parents’ release from prison, for pur-
17 poses of continued participation in the program.

18 “(2) MENTORING.—The term ‘mentoring’
19 means a structured, managed program in which chil-
20 dren are appropriately matched with screened and
21 trained adult volunteers for one-on-one relationships,
22 involving meetings and activities on a regular basis,
23 intended to meet, in part, the child’s need for in-
24 volvement with a caring and supportive adult who
25 provides a positive role model.

1 “(3) MENTORING SERVICES.—The term ‘men-
2 toring services’ means those services and activities
3 that support a structured, managed program of
4 mentoring, including the management by trained
5 personnel of outreach to, and screening of, eligible
6 children; outreach to, education and training of, and
7 liaison with sponsoring local organizations; screening
8 and training of adult volunteers; matching of chil-
9 dren with suitable adult volunteer mentors; support
10 and oversight of the mentoring relationship; and es-
11 tablishment of goals and evaluation of outcomes for
12 mentored children.

13 “(c) PROGRAM AUTHORIZED.—From the amounts
14 appropriated under subsection (g) for a fiscal year that
15 remains after applying subsection (g)(2), the Secretary
16 shall make grants under this section for each of fiscal
17 years 2002 through 2006 to local governments in areas
18 that have significant numbers of children of prisoners and
19 that submit applications meeting the requirements of this
20 section, including—

21 “(1) two-thirds of such amount in grants in
22 amounts of up to \$5,000,000 each; and

23 “(2) one-third of such amount in grants in
24 amounts of up to \$10,000,000 each.

1 “(d) APPLICATION REQUIREMENTS.—In order to be
2 eligible for a grant under this section, the mayor or other
3 chief executive officer of a city, council of governments,
4 or other unit of government must submit to the Secretary
5 an application containing the following:

6 “(1) PROGRAM DESIGN.—A description of the
7 proposed local program, including—

8 “(A) a list of local public and private orga-
9 nizations and entities that will participate in
10 the mentoring network;

11 “(B) the name, description, and qualifica-
12 tions of the entity that will coordinate and over-
13 see the activities of the mentoring network;

14 “(C) the number of mentor-child matches
15 proposed to be established and maintained an-
16 nually under the program;

17 “(D) such information as the Secretary
18 may require concerning the methods to be used
19 to recruit, screen support, and oversee individ-
20 uals participating as mentors, (which methods
21 shall include criminal background checks on
22 such individuals), and to evaluate outcomes for
23 participating children, including information
24 necessary to demonstrate compliance with re-

1 quirements established by the Secretary for the
2 program; and

3 “(E) such other information as the Sec-
4 retary may require.

5 “(2) COMMUNITY CONSULTATION; COORDINA-
6 TION WITH OTHER PROGRAMS.—A demonstration
7 that, in developing and implementing the program,
8 the local government will, to the extent feasible and
9 appropriate—

10 “(A) consult with public and private com-
11 munity entities, including religious organiza-
12 tions, and including, as appropriate, Indian
13 tribal organizations and urban Indian organiza-
14 tions, and with family members of potential cli-
15 ents;

16 “(B) coordinate the programs and activi-
17 ties under the program with other Federal,
18 State, and local programs serving children and
19 youth; and

20 “(C) consult with appropriate Federal,
21 State, and local corrections, workforce develop-
22 ment, and substance abuse and mental health
23 agencies.

24 “(3) EQUAL ACCESS FOR LOCAL SERVICE PRO-
25 VIDERS.—An assurance that public and private enti-

1 ties and community organizations, including reli-
2 gious organizations and Indian organizations, will be
3 eligible to participate on an equal basis.

4 “(4) SUPPLEMENTATION ASSURANCE.—An as-
5 surance that Federal funds provided to the local gov-
6 ernment under this section will not be used to sup-
7 plant Federal or non-Federal funds for existing serv-
8 ices and activities that promote the purpose of this
9 section.

10 “(5) BIENNIAL PROGRAM REPORT.—An agree-
11 ment that the local government will submit to the
12 Secretary, after the second year of funding of a pro-
13 gram under this section and every second year there-
14 after, a report containing the following:

15 “(A) A description of the grant require-
16 ments used by the local government to award
17 grant funds.

18 “(B) The measurable goals and outcomes
19 expected by the programs receiving assistance
20 under the local government program (and in
21 later reports, the extent to which such goals
22 and outcomes were achieved).

23 “(C) A description of the services provided
24 by programs receiving assistance under the
25 local government program.

1 “(D) The number of children and families
2 served.

3 “(E) Such other such information as the
4 Secretary may require.

5 “(6) RECORDS, REPORTS, AND AUDITS.—An
6 agreement that the local government will maintain
7 such records, make such reports, and cooperate with
8 such reviews or audits as the Secretary may find
9 necessary for purposes of oversight of project activi-
10 ties and expenditures.

11 “(7) EVALUATION.—An agreement that the
12 local government will cooperate fully with the Sec-
13 retary’s ongoing and final evaluation of the program
14 under the plan, by means including providing the
15 Secretary access to the program and program-re-
16 lated records and documents, staff, and grantees re-
17 ceiving funding under the plan.

18 “(8) EXTENT OF LOCAL-STATE COOPERA-
19 TION.—A statement as to whether, and the extent to
20 which, the State government has undertaken to pro-
21 vide support to and to cooperate with the local pro-
22 gram.

23 “(e) FEDERAL SHARE.—

1 “(1) IN GENERAL.—A grant for a program
2 under this section shall be available to pay a per-
3 centage share of the costs of the program up to—

4 “(A) 80 percent for the first fiscal year for
5 which the grant is awarded;

6 “(B) 60 percent for the second such fiscal
7 year;

8 “(C) 40 percent for the third such fiscal
9 year; and

10 “(D) 20 percent for each succeeding fiscal
11 year.

12 “(2) NON-FEDERAL SHARE.—The non-Federal
13 share of the cost of projects under this section may
14 be in cash or in kind. In determining the amount of
15 the non-Federal share, the Secretary may attribute
16 fair market value to goods, services, and facilities
17 contributed from non-Federal sources.

18 “(f) CONSIDERATIONS IN AWARDING GRANTS.—In
19 awarding grants under this section, the Secretary shall
20 take into consideration—

21 “(1) the experience, qualifications, and capacity
22 of local governments and networks of organizations
23 to effectively carry out a mentoring program under
24 this section;

1 “(2) the comparative severity of need for men-
 2 toring services in given local areas, taking into con-
 3 sideration data on the numbers of children (and in
 4 particular of low-income children) with an incarcer-
 5 ated parents (or parents) in such areas;

6 “(3) whether, and the extent to which, the
 7 State government has undertaken to support and co-
 8 operate with the local mentoring program;

9 “(4) evidence of consultation with existing
 10 youth and family service programs, as appropriate;
 11 and

12 “(5) any other factors the Secretary may deem
 13 significant with respect to the need for or the poten-
 14 tial success of carrying out a mentoring program
 15 under this section.

16 “(g) AUTHORIZATION OF APPROPRIATIONS; RES-
 17 ERVATION OF CERTAIN AMOUNTS.—

18 “(1) AUTHORIZATION.—There are authorized to
 19 be appropriated to carry out this section
 20 \$67,000,000 for fiscal year 2002, and such sums as
 21 may be necessary for each of fiscal years 2003
 22 through 2006.

23 “(2) RESERVATION.—The Secretary shall re-
 24 serve 2.5 percent of the amount appropriated for
 25 each fiscal year under paragraph (1) for expenditure

1 by the Secretary for research, technical assistance,
 2 and evaluation related to programs under this sec-
 3 tion.

4 **TITLE II—FOSTER CARE AND** 5 **INDEPENDENT LIVING**

6 **SEC. 201. ELIMINATION OF OPT-OUT PROVISION FOR STATE** 7 **REQUIREMENT TO CONDUCT CRIMINAL** 8 **BACKGROUND CHECK ON PROSPECTIVE FOS-** 9 **TER OR ADOPTIVE PARENTS.**

10 Section 471(a)(20) is amended—

11 (1) by striking “(A) unless an election provided
 12 for in subparagraph (B) is made with respect to the
 13 State;”;

14 (2) in subparagraph (A), by striking “and” at
 15 the end;

16 (3) by striking subparagraph (B);

17 (4) by striking “(i)” and inserting “(A)”; and

18 (5) by striking “(ii)” and inserting “(B)”.

19 **SEC. 202. EDUCATIONAL AND TRAINING VOUCHERS FOR** 20 **YOUTHS AGING OUT OF FOSTER CARE.**

21 (a) PURPOSE.—Section 477(a) is amended—

22 (1) by striking “and” at the end of paragraph
 23 (4);

24 (2) by striking the period at the end of para-
 25 graph (5) and inserting “; and”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(6) to make available vouchers for education
4 and training, including postsecondary training and
5 education, to youths who have aged out of foster
6 care.

7 (b) EDUCATIONAL AND TRAINING VOUCHERS.—Sec-
8 tion 477 is amended by adding the following new sub-
9 section:

10 “(i) EDUCATIONAL AND TRAINING VOUCHERS.—The
11 following conditions shall apply to a State educational and
12 training voucher program under this section:

13 “(1) Vouchers under the program shall be avail-
14 able to youths otherwise eligible for services under
15 the State program under this section.

16 “(2) For purposes of the voucher program,
17 youths adopted from foster care after attaining age
18 16 shall be considered to be youths otherwise eligible
19 for services under the State program under this sec-
20 tion.

21 “(3) Youths participating in the voucher pro-
22 gram on the date they attain age 21 shall remain el-
23 igible until they attain 23 years of age, as long as
24 they are enrolled in a full-time postsecondary edu-

1 cation or training program and are making satisfac-
2 tory progress toward completion of that program.

3 “(4) The voucher or vouchers provided for an
4 individual under this section—

5 “(A) shall be available for the cost of at-
6 tendance at an institution of higher education,
7 as defined in section 102 of the Higher Edu-
8 cation Act of 1965; and

9 “(B) shall not exceed the lesser of \$5,000
10 per year or the total cost of attendance, as de-
11 fined in section 472 of that Act.

12 “(5) The amount of a voucher under this sec-
13 tion shall be disregarded for purposes of determining
14 the recipient’s eligibility for, or the amount of, any
15 other Federal or Federally supported assistance, ex-
16 cept that the total amount of educational assistance
17 to a youth under this section and under other Fed-
18 eral and Federally supported programs shall not ex-
19 ceed the total cost of attendance, as defined in sec-
20 tion 472 of the Higher Education Act of 1965, and
21 except that the State agency shall take appropriate
22 steps to prevent duplication of benefits under this
23 and other Federal or Federally supported programs.

24 “(6) The program is coordinated with other ap-
25 propriate education and training programs.”.

1 (c) CERTIFICATION.—Section 477(b)(3) is amended
2 by adding at the end the following new subparagraph:

3 “(J) A certification by the chief executive
4 officer of the State that the State educational
5 and training voucher program under this sec-
6 tion is in compliance with the conditions speci-
7 fied in subsection (i), including a statement de-
8 scribing methods the State will use—

9 “(i) to ensure that the total amount
10 of educational assistance to a youth under
11 this section and under other Federal and
12 Federally supported programs does not ex-
13 ceed the limitation specified in subsection
14 (i)(5); and

15 “(ii) to avoid duplication of benefits
16 under this and any other Federal or Fed-
17 erally assisted benefit program.”.

18 (d) INCREASED AUTHORIZATIONS OF APPROPRIA-
19 TIONS.—Section 477(h) is amended by striking “there are
20 authorized” and all that follows and inserting the fol-
21 lowing: “there are authorized to be appropriated to the
22 Secretary for each fiscal year—

23 “(1) \$140,000,000, which shall be available for
24 all purposes under this section; and

1 “(2) an additional \$60,000,000, which shall be
 2 available for payments to States for education and
 3 training vouchers for youths who age out of foster
 4 care, to assist such youths to develop skills necessary
 5 to lead independent and productive lives.”.

6 (e) ALLOTMENTS TO STATES.—Section 477(c) is
 7 amended—

8 (1) in paragraph (1)—

9 (A) by striking “(1) IN GENERAL.—From
 10 the amount specified in subsection (h)” and in-
 11 serting “(1) GENERAL PROGRAM ALLOT-
 12 MENT.—From the amount specified in sub-
 13 section (h)(1)”;

14 (B) by striking “which bears the same
 15 ratio” and inserting “which bears the ratio”;
 16 and

17 (C) by striking “as the number of children
 18 in foster care” and all that follows and insert-
 19 ing “equal to the State foster care ratio, as ad-
 20 justed in accordance with paragraph (2).”; and

21 (2) by adding at the end the following new
 22 paragraphs:

23 “(3) VOUCHER PROGRAM ALLOTMENT.—From
 24 the amount specified in subsection (h)(2) for a fiscal
 25 year, the Secretary shall allot to each State with an

1 application approved under subsection (b) for the
 2 fiscal year the amount that bears the ratio to such
 3 amount equal to the State foster care ratio.

4 “(4) STATE FOSTER CARE RATIO.—For pur-
 5 poses of this subsection, the term ‘State foster care
 6 ratio’ means the ratio of the number of children in
 7 foster care under a program of the State in the most
 8 recent fiscal year for which such information is
 9 available to the total number of children in foster
 10 care in all States for such most recent fiscal year.”.

11 (f) PAYMENTS TO STATES.—Section 474(a)(4) is
 12 amended to read as follows:

13 “(4) an amount equal to—

14 “(A) the sum of the following amounts for
 15 expenditures in accordance with the State appli-
 16 cation approved under section 477(b) (including
 17 any amounts expended in accordance with an
 18 amendment that meets the requirements of sec-
 19 tion 477(b)(5));

20 “(i) the lesser of—

21 “(I) 80 percent of the amounts
 22 expended by the State during the
 23 quarter to carry out programs for the
 24 purposes described in subsection
 25 (h)(1); or

1 “(II) the amount allotted to the
2 State under section 477(c)(1) for the
3 fiscal year in which the quarter oc-
4 curs, reduced by the total of the
5 amounts payable to the State under
6 this paragraph for such purposes for
7 all prior quarters in the fiscal year;
8 plus

9 “(ii) the lesser of—

10 “(I) 80 percent of the amounts
11 expended by the State during the
12 quarter to carry out programs for the
13 purposes described in subsection
14 (h)(2); or

15 “(II) the amount allotted to the
16 State under section 477(c)(3) for the
17 fiscal year in which the quarter oc-
18 curs, reduced by the total of the
19 amounts payable to the State under
20 this paragraph for such purposes for
21 all prior quarters in the fiscal year;

22 reduced by

23 “(B) the total amount of any penalties as-
24 sessed against the State under section 477(e)
25 for such fiscal year.”.

1 **TITLE III—EFFECTIVE DATES**

2 **SEC. 301. EFFECTIVE DATES.**

3 (a) IN GENERAL.—Subject to subsection (b)—

4 (1) except as provided in paragraph (2), the
5 amendments made by this Act take effect October 1,
6 2001; and

7 (2) the amendments made by section 201 take
8 effect on the date of enactment of this Act.

9 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
10 QUIRED.—In the case of a State plan under part B or
11 E of the Social Security Act that the Secretary of Health
12 and Human Services determines requires State legislation
13 (other than legislation appropriating funds) in order for
14 the plan to meet the additional requirements imposed by
15 the amendments specified in subsection (a), the State plan
16 shall not be regarded as failing to comply with the require-
17 ments of such part solely on the basis of the failure of
18 the plan to meet such additional requirements before the
19 first day of the first calendar quarter beginning after the
20 close of the first regular session of the State legislature
21 that begins after the date of enactment of this Act. For
22 purposes of the previous sentence, in the case of a State
23 that has a 2-year legislative session, each year of such ses-

- 1 sion shall be deemed to be a separate regular session of
- 2 the State legislature.

